

## SB0132S01 compared with SB0132

~~{deleted text}~~ shows text that was in SB0132 but was deleted in SB0132S01.

inserted text shows text that was not in SB0132 but was inserted into SB0132S01.

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Senator Wayne A. Harper proposes the following substitute bill:

### UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: ~~{\_\_\_\_\_}~~ Stewart Barlow

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#### LONG TITLE

##### General Description:

This bill ~~{merges}~~ moves the existing Utah Medical Education Council into the ~~{Utah Department}~~ State System of ~~{Health}~~ Higher Education.

##### Highlighted Provisions:

This bill:

- ▶ moves the existing authority and functions of the Utah Medical Education Council into the ~~{Utah Department of Health;~~

~~grants authority to the executive director of the Utah Department of Health to appoint members of the Utah Medical Education Council; and~~

State System of Higher Education; and

- ▶ makes technical changes.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

~~63I-1-263~~ (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapters 126, 206, 347, 369, and 395

~~63J-7-102~~, as last amended by Laws of Utah 2012, Chapters 201 and 212

~~63J-1-602.4~~, as last amended by Laws of Utah 2011, Chapters 18, 303, 338, and 438

#### ENACTS:

~~{26-46a-101}~~53C-24-101, Utah Code Annotated 1953

~~{26-46a-201}~~53C-24-201, Utah Code Annotated 1953

~~{26-46a-301}~~53C-24-301, Utah Code Annotated 1953

~~{26-46a-401}~~53C-24-401, Utah Code Annotated 1953

#### RENUMBERS AND AMENDS:

~~{26-46a-102}~~53C-24-102, (Renumbered from 63C-8-101, as last amended by Laws of Utah 2000, Chapter 1)

~~{26-46a-202}~~53C-24-202, (Renumbered from 63C-8-102, as enacted by Laws of Utah 1997, Chapter 202)

~~{26-46a-302}~~53C-24-302, (Renumbered from 63C-8-103, as last amended by Laws of Utah 2010, Chapter 286)

~~{26-46a-303}~~53C-24-303, (Renumbered from 63C-8-104, as enacted by Laws of Utah 1997, Chapter 202)

~~{26-46a-304}~~53C-24-304, (Renumbered from 63C-8-105, as last amended by Laws of Utah 2008, Chapter 382)

~~{26-46a-402}~~53C-24-402, (Renumbered from 63C-8-106, as last amended by Laws of Utah 2008, Chapter 382)

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section ~~{26-46a}~~53C-24-101 is enacted to read:

**CHAPTER ~~{46a}~~24. UTAH MEDICAL EDUCATION COUNCIL ACT**

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## Part 1. General Provisions

~~{26-46a-101}~~[53C-24-101](#). Title.

(1) This chapter is known as the "Utah Medical Education Council Act."

(2) This part is known as "General Provisions."

Section 2. Section ~~{26-46a}~~[53C-24-102](#), which is renumbered from Section 63C-8-101 is renumbered and amended to read:

~~[63C-8-101]~~. ~~{26-46a-102}~~[53C-24-102](#). Definitions.

As used in this chapter:

(1) "Accredited clinical education program" means a clinical education program for a health care profession that is accredited by the Accreditation Council on Graduate Medical Education.

(2) "Accredited clinical training program" means a clinical training program that is accredited by an entity recognized within medical education circles as an accrediting body for medical education, advanced practice nursing education, physician assistance education, or doctor of pharmacy education.

(3) "Council" means the Medical Education Council created under Section ~~[63C-8-103]~~ ~~{26-46a}~~[53C-24-302](#).

(4) "Health Care Financing Administration" means the Health Care Financing Administration within the United States Department of Health and Human Services.

(5) "Health care professionals in training" means medical students and residents, advance practice nursing students, physician assistant students, and doctor of pharmacy students.

(6) "Program" means the Medical Education Program created under Section ~~[63C-8-102]~~ ~~{26-46a}~~[53C-24-202](#).

Section 3. Section ~~{26-46a}~~[53C-24-201](#) is enacted to read:

## Part 2. Medical Education Program

~~{26-46a-201}~~[53C-24-201](#). Title.

This part is known as the "Medical Education Program."

Section 4. Section ~~{26-46a}~~[53C-24-202](#), which is renumbered from Section 63C-8-102 is renumbered and amended to read:

~~[63C-8-102]~~. ~~{26-46a-202}~~[53C-24-202](#). Medical Education Program.

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(1) There is created ~~{within the department}~~ a Medical Education Program to be administered by the Medical Education Council in cooperation with the Division of Finance.

(2) The program shall be funded from money received for graduate medical education from:

(a) the federal Health Care Financing Administration or other federal agency;

(b) state appropriations; and

(c) donation or private contributions.

(3) All funding for this program shall be nonlapsing.

(4) Program money may only be expended if:

(a) approved by the council; and

(b) used for graduate medical education in accordance with Subsection

[63C-8-104~~{(7)}~~] ~~{26-46a}~~53C-24-303(7).

Section 5. Section ~~{26-46a}~~53C-24-301 is enacted to read:

### Part 3. Medical Education Council

~~{26-46a-301}~~53C-24-301. Title.

This part is known as the "Medical Education Council."

Section 6. Section ~~{26-46a}~~53C-24-302, which is renumbered from Section 63C-8-103 is renumbered and amended to read:

[~~63C-8-103~~]. ~~{26-46a-302}~~53C-24-302. **Medical Education Council.**

(1) There is created ~~{within the department}~~ the Medical Education Council consisting of the following members appointed by the ~~{}~~governor ~~{}~~~~executive director of the department~~:

(a) the dean of the school of medicine at the University of Utah;

(b) a person who represents graduate medical education at the University of Utah;

(c) a person from each institution, other than the University of Utah, that sponsors an accredited clinical education program;

(d) a person from the health care insurance industry; and

(e) three members of the general public who are not employed by or affiliated with any institution that offers, sponsors, or finances health care or medical education; however, the governor may appoint an additional member of the public under this Subsection (1)(e) for each person the governor appoints that increases the total number of persons appointed under

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Subsection (1)(c) beyond two.

(2) Except as provided in Subsection (1)(a) and (b), no two council members may be employed by or affiliated with the same:

- (a) institution of higher education;
- (b) state agency outside of higher education; or
- (c) private entity.

(3) The dean of the school of medicine at the University of Utah:

- (a) shall chair the council;
- (b) may not be counted in determining the existence of a quorum; and
- (c) may only cast a vote on a matter before the council if the vote of the other council

members results in a tied vote.

(4) The council shall annually elect a vice chair from among the members of the council.

(5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute a quorum.

(b) The action of a majority of a quorum is the action of the council.

(6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year terms of office.

(b) Notwithstanding Subsection (6)(a), the ~~{} governor {}~~ executive director of the department shall, at the time of the initial appointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(c) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the ~~{} governor {}~~ executive director of the department for the unexpired term in the same manner as the original appointment was made.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

63A-3-107.

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Section 7. Section ~~{26-46a}~~53C-24-303, which is renumbered from Section 63C-8-104 is renumbered and amended to read:

~~[63C-8-104]~~. ~~{26-46a-303}~~53C-24-303. **Duties of council.**

The council shall:

(1) submit an application in accordance with federal law for a demonstration project to the Health Care Financing Administration before December 31, 1997, for the purpose of receiving and disbursing federal funds for direct and indirect graduate medical education expenses;

(2) seek private and public contributions for the program;

(3) study and recommend options for financing graduate medical education to the State Board of Regents and the Legislature;

(4) advise the State Board of Regents and the Legislature on the status and needs of health care professionals in training;

(5) determine the method for reimbursing institutions that sponsor health care professionals in training;

(6) determine the number and type of positions for health care professionals in training for which program money may be used; and

(7) distribute program money for graduate medical education in a manner that:

(a) prepares postgraduate medical residents, as defined by the accreditation council on graduate medical education, for inpatient, outpatient, hospital, community, and geographically diverse settings;

(b) encourages the coordination of interdisciplinary clinical training among health care professionals in training;

(c) promotes stable funding for the clinical training of health care professionals in training; and

(d) only funds accredited clinical training programs.

Section 8. Section ~~{26-46a}~~53C-24-304, which is renumbered from Section 63C-8-105 is renumbered and amended to read:

~~[63C-8-105]~~. ~~{26-46a-304}~~53C-24-304. **Powers of council.**

The council may:

(1) conduct surveys, with the assistance of the Division of Occupational and

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Professional Licensing within the Department of Commerce, to assess and meet changing market and education needs;

(2) notwithstanding the provisions of Subsection 35A-4-312(3), receive information obtained by the Division of Workforce Information and Payment Services under the provisions of Section 35A-4-312 for purposes consistent with the council's duties as identified under Section [~~63C-8-104~~] ~~{26-46a}~~53C-24-303, including identifying changes in the medical and health care workforce numbers, types, and geographic distribution;

(3) appoint advisory committees of broad representation on interdisciplinary clinical education, workforce mix planning and projections, funding mechanisms, and other topics as is necessary;

(4) use federal money for necessary administrative expenses to carry out its duties and powers as permitted by federal law;

(5) distribute program money in accordance with Subsection [~~63C-8-104~~]{(7)}] ~~{26-46a}~~53C-24-303(7); and

(6) as is necessary to carry out its duties under Section [~~63C-8-104~~] ~~{26-46a}~~53C-24-303:

(a) hire employees; and

(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 9. Section ~~{26-46a}~~53C-24-401 is enacted to read:

### **Part 4. Rural Residency Training Program**

~~{26-46a-401}~~53C-24-401. **Title.**

This part is known as the "Rural Residency Training Program."

Section 10. Section ~~{26-46a}~~53C-24-402, which is renumbered from Section 63C-8-106 is renumbered and amended to read:

~~{63C-8-106}~~. ~~{26-46a-402}~~53C-24-402. **Rural residency training program.**

(1) For purposes of this section:

(a) "Physician" means:

(i) a person licensed to practice medicine under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(ii) a person licensed to practice dentistry under Title 58, Chapter 69, Dentist and

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Dental Hygienist Practice Act.

(b) "Rural residency training program" means an accredited clinical training program as defined in Section [63C-8-101] ~~26-46a~~ 53C-24-102 which places a physician into a rural county for a part or all of the physician's clinical training.

(2) (a) Subject to appropriations from the Legislature, the council shall establish a pilot program to place physicians into rural residency training programs.

(b) The pilot program shall begin July 1, 2005 and sunset July 1, 2015, in accordance with Section 63I-1-263.

(3) (a) The council shall report to the Legislature's Health and Human Services Interim Committee concerning the implementation of the pilot program and the success of the program in increasing the retention or recruitment of physicians in rural counties in the state.

(b) The report required by this Subsection (3) shall be made by November 30 of each year.

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### Legislative Review Note

— as of ~~1-21-13 4:02 PM~~

— ~~Office of Legislative Research and General Counsel~~; Section 11. Section 63I-1-263 (Effective 05/01/13) is amended to read:

63I-1-263 (Effective 05/01/13). Repeal dates, Titles 63A to 63M.

(1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to any public school district which chooses to participate, is repealed July 1, 2016.

(2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

(3) Section [63C-8-106] 53C-24-402, rural residency training program, is repealed July 1, 2015.

(4) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is repealed July 1, 2014.

(5) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a

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contract for a design-build transportation project in certain circumstances, is repealed July 1, 2015.

(6) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

(7) The Resource Development Coordinating Committee, created in Section 63J-4-501, is repealed July 1, 2015.

(8) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

(9) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection (9)(c), Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2021.

(c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

(i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.

(d) Notwithstanding Subsections (9)(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

(i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

(ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31, 2020; or

(B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the expenditure is made on or before December 31, 2020.

(10) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

(b) (i) The Legislature shall, before reauthorizing the Health Care Compact:

(A) direct the Health System Reform Task Force to evaluate the issues listed in Subsection (10)(b)(ii), and by January 1, 2013 develop and recommend criteria for the Legislature to use to negotiate the terms of the Health Care Compact; and

(B) prior to July 1, 2014, seek amendments to the Health Care Compact among the

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member states that the Legislature determines are appropriate after considering the recommendations of the Health System Reform Task Force.

(ii) The Health System Reform Task Force shall evaluate and develop criteria for the Legislature regarding:

(A) the impact of the Supreme Court ruling on the Affordable Care Act;

(B) whether Utah is likely to be required to implement any part of the Affordable Care Act prior to negotiating the compact with the federal government, such as Medicaid expansion in 2014;

(C) whether the compact's current funding formula, based on adjusted 2010 state expenditures, is the best formula for Utah and other state compact members to use for establishing the block grants from the federal government;

(D) whether the compact's calculation of current year inflation adjustment factor, without consideration of the regional medical inflation rate in the current year, is adequate to protect the state from increased costs associated with administering a state based Medicaid and a state based Medicare program;

(E) whether the state has the flexibility it needs under the compact to implement and fund state based initiatives, or whether the compact requires uniformity across member states that does not benefit Utah;

(F) whether the state has the option under the compact to refuse to take over the federal Medicare program;

(G) whether a state based Medicare program would provide better benefits to the elderly and disabled citizens of the state than a federally run Medicare program;

(H) whether the state has the infrastructure necessary to implement and administer a better state based Medicare program;

(I) whether the compact appropriately delegates policy decisions between the legislative and executive branches of government regarding the development and implementation of the compact with other states and the federal government; and

(J) the impact on public health activities, including communicable disease surveillance and epidemiology.

(11) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2017.

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(12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for Children and Youth At Risk Act, is repealed July 1, 2016.

(13) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

Section 12. Section 63J-1-602.4 is amended to read:

**63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

(1) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

(2) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

(3) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.

(4) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.

(5) Appropriations from the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.

(6) Appropriations to the Division of Services for People with Disabilities, as provided in Section 62A-5-102.

(7) A portion of the funds appropriated to the Utah Seismic Safety Commission, as provided in Section 63C-6-104.

(8) Funding for the Medical Education Program administered by the Medical Education Council, as provided in Section [~~63C-8-102~~] 53C-24-202.

(9) Certain money payable for commission expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63C-11-301.

(10) Funds appropriated or collected for publishing the Division of Administrative Rules' publications, as provided in Section 63G-3-402.

(11) The Immigration Act Restricted Account created in Section 63G-12-103.

(12) Money received by the military installation development authority, as provided in Section 63H-1-504.

(13) The appropriation to fund the Governor's Office of Economic Development's Enterprise Zone Act, as provided in Section 63M-1-416.

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(14) The Motion Picture Incentive Account created in Section 63M-1-1803.

(15) Appropriations to the Utah Science Technology and Research Governing Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.

Section 13. Section **63J-7-102** is amended to read:

### **63J-7-102. Scope and applicability of chapter.**

(1) Except as provided in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to each agency and govern each grant received on or after May 5, 2008.

(2) This chapter does not govern:

(a) a grant deposited into a General Fund restricted account;

(b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

(c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;

(d) a grant made to the state without a restriction or other designated purpose that is deposited into the General Fund as free revenue;

(e) a grant made to the state that is restricted only to "education" and that is deposited into the Education Fund or Uniform School Fund as free revenue;

(f) in-kind donations;

(g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state when required by state law or application of state law;

(h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax Contribution Act;

(i) a grant received by an agency from another agency or political subdivision;

(j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

(k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science Center Authority;

(l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber Valley Historic Railroad Authority;

(m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah State Railroad Museum Authority;

(n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,

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### Utah Housing Corporation Act:

(o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah

### State Fair Corporation Act:

(p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,

### Workers' Compensation Fund:

(q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah

### State Retirement Systems Administration:

(r) a grant to the School and Institutional Trust Lands Administration created in Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration:

(s) a grant to the Utah Communications Agency Network created in Title 63C, Chapter 7, Utah Communications Agency Network Act:

(t) a grant to the Medical Education Program created in Section [63C-8-102] 53C-24-202:

(u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12, Utah Venture Capital Enhancement Act:

(v) a grant to the Utah Charter School Finance Authority created in Section 53A-20b-103:

(w) a grant to the State Building Ownership Authority created in Section 63B-1-304:

(x) a grant to the Utah Comprehensive Health Insurance Pool created in Section 31A-29-104; or

(y) a grant to the Military Installation Development Authority created in Section 63H-1-201.

(3) An agency need not seek legislative review or approval of grants under Part 2, Grant Approval Requirements, if:

(a) the governor has declared a state of emergency; and

(b) the grant is donated to the agency to assist victims of the state of emergency under Subsection 63K-4-201(1).